

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Colonel Gary E. Lambert

v.

Case No. 09-cv-354-PB

US Department of Navy, Secretary

O R D E R

This case is remanded to the Secretary of the Navy for consideration under 10 U.S.C. § 1558. The issues to be considered on remand are specified in the defendant's Status Report filed on August 2, 2010 ([Doc. No. 25](#)). The Secretary of the Navy shall convene a Special Board and instruct the Board to undertake the actions specified in the report within the time frame proposed therein.

The Motion to Dismiss ([Doc. No. 16](#)) and the Motion for Summary Judgment ([Doc. No. 9](#)) are denied without prejudice to the right of either party to renew, if applicable, after the Secretary of the Navy has complied with this Order. The Motion for Preliminary injunction ([Doc. No. 23](#)) is denied without

prejudice to the right to renew if the Secretary does not act within the time frame set forth in the Status Report.

The parties shall file a joint status report regarding the status of the remanded action 60 days from the date of this Order and every 60 days thereafter until the Secretary of the Navy has completed his review.

SO ORDERED.

/s/Paul Barbadoro  
Paul Barbadoro  
United States District Judge

September 9, 2010

cc: Gary E. Lambert, Esq.  
T. David Plourde, Esq.